UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,699	03/15/2004	Masayuki Hori	T4025.0036/P036	8980

24998 7590 05/03/2007

DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington, DC 20006-5403

EXAMINER	
SHEN, KEZHEN	
ART UNIT	**PAPER NUMBER**
2609	

MAIL DATE	DELIVERY MODE
05/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/799,699	HORI, MASAYUKI	
	Examiner	Art Unit	
	Kezhen Shen	2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-4 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-4 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being unpatentable by Kikuchi US 6,898,165 B2.

Regarding claim 1 Kikuchi teaches an optical disc reproducing apparatus (50 of Fig. 1) comprising of a housing (Col 6 Line 25 chassis, 112 of Fig.4), a reading section which is disposed inside said housing and reads data recorded on an optical disc (Col 3 Line 38-42 optical pickup, 16 of Fig. 1), a storing section which stores the data read by said reading section (Col 4 Line 3-5 A RAM and EEPROM, 43 and 44 of Fig. 1), a reproducing section which reproduces the data stored in said storing section (Col 4 Line 304 a D/A converter, 46 of Fig. 1), a reference discal unit which is disposed outside said housing and is rotated at a predetermined reference rotational speed and in a predetermined reference rotational direction (Col 6 Line 26-27 turntable, 118 of Fig. 4), an operation discal unit which is mounted on said reference discal unit to rotate together with said reference discal unit, and is capable of rotating in a desired rotational direction at a desired rotational speed according to a user's manipulation (Col 6 Line 27-29 disk,

122 of Fig. 4), a detection discal unit which is accommodated in said housing, and is connected with said operation discal unit to rotate in sync with the rotation of said operation discal unit (Col 6 Line 31-34 encoder, 124 of Fig. 4, Fig. 5), a first detecting section which is disposed inside said housing, and detects a rotational speed and rotational direction of said detection discal unit (Col 7 Line 15-19 sensor unit, 126 of Fig. 4), a second detecting section which is disposed outside said housing, and detects a rotational speed and rotational direction of said reference discal unit (Col 7 Line 29 photo interrupter, 128 of Fig. 4), and a control section which determines the rotational speed and rotational direction of said detection discal unit based on each detected result from said first detecting section and said second detecting section, and controls said reading section, said storing section and said reproducing section, so that a data reproduction desired by the user is performed (Col 7 Line 21-30 CPU, Col 4 Line 3-5 CPU maintains data from RAM and EEPROM, Col 4 Line 31-35 CPU changes reproducing signal to adjust speed of reproducer, 42 of Fig. 1).

Regarding claim 2 Kikuchi teaches the optical disc reproducing apparatus according to claim 1, wherein, said control section gives a control to read the data stored in said storing section at a predetermined reference reading speed and in a predetermined reference reading sequence, when it is determined that said detection discal unit is rotating at said reference rotational speed and in said reference rotational direction, and said control section gives a control to read the data stored in said storing section at the reading speed and in the reading sequence according to a detected result from said first detecting section, when it is determined that said detection discal unit is

not rotating at said reference rotational speed in said reference rotational direction (Col 4 Line 3 – 5 The RAM and EEPROM are both used as a working memory for the CPU and as a means to maintain various data., Col 5 Line 45 - 55 The CPU obtains the rotational speed and direction from the photo interrupters. It than translates the detection result into a scratch by changing the rotational speed and direction of the spindle motor., Col 4 Line 21 – 35 The rotational speed comparing circuit detects whether or not there is a discrepancy between a rotational speed of disk and a predetermined value. A signal is then generated to the CPU.). While it is not explicitly stated, the CPU would need to access information in the EEPROM for the predetermined value of the rotational speed. Then by using this value and the information sent by the sensors, the CPU can change the rotation direction and speed of the spindle motor.

Regarding claim 3 Kikuchi teaches the optical disc reproducing apparatus according to claim 1, wherein, the reference discal unit has a cross-section of concave shape, and with the concave shaped portion of said reference discal unit, said second detecting section is protected from outside. It can be seen from Figure 4 the second detecting section (128 of Fig. 4) is enclosed within the concave shape of the reference discal unit (118 of Fig. 4).

Regarding claim 4 Kikuchi teaches an operating apparatus for optical disc reproduction comprising of a housing (Col 6 Line 25 chassis, 112 of Fig.4), a discal unit which is disposed outside said housing and is rotated at a predetermined rotational speed and in a predetermined rotational direction (Col 6 Line 26-27 turntable, 118 of

Fig. 4), an operation discal unit which is mounted on said discal unit to rotate together with said discal unit, and is capable of rotating in a desired rotational direction at a desired rotational speed according to a user's manipulation (Col 6 Line 27-29 disk, 122 of Fig. 4), a detection discal unit which is accommodated in said housing, and is connected with said operation discal unit to rotate in sync with the rotation of said operation discal unit (Col 6 Line 31-34 encoder, 124 of Fig. 4, Fig. 5), a first detecting section which is disposed outside said housing, and detects the rotational speed and rotational direction of said discal unit (Col 7 Line 15-19 sensor unit, 126 of Fig. 4), a second detecting section which is disposed inside said housing, and detects the rotational speed and rotational direction of said detection discal unit (Col 7 Line 29 photo interrupter, 128 of Fig. 4), and a control section which controls a processing of data recorded on an optical disc in an optical disc reproducing apparatus being connected externally, according to each detected result from said first detecting section and said second detecting section, so that a data reproduction desired by a user is performed (Col 7 Line 23-30 CPU, 42 of Fig. 1).

Examiner's Note

The referenced citations made in the rejection(s) above are intended to exemplify areas in the prior art document(s) in which the examiner believed are the most relevant to the claimed subject matter. However, it is incumbent upon the applicant to analyze the prior art document(s) in its/their entirety since other areas of the document(s) may be relied upon at a later time to substantiate examiner's rationale of record. A prior art

reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. W.L. Gore & associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). However, "the prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed...." In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004).

Contact

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kezhen Shen whose telephone number is (571) 270-1815. The examiner can normally be reached on Monday - Friday 7:30 am to 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kezhen Shen

VU LE
SUPERVISORY PATENT EXAMINER